

ORDINANCE NO. 091-47

AN ORDINANCE ESTABLISHING MUNICIPAL  
IMPROVEMENT DISTRICT NO. 7 OF CONWAY, ARKANSAS

WHEREAS, parties claiming to be the owners of record title of a majority in value of the real property, as shown by the last county assessment of the owners of real property, located within the territory hereinafter described, have filed Petitions on October 4, 1991, praying that a municipal improvement district be established pursuant to Act 125 of the general Assembly of the State of Arkansas for the year 1913 for the purposes herein set out; and

WHEREAS, after due notice as required by law, the City Council of the City of Conway, Arkansas has heard all the parties desiring to be heard and has ascertained that said Petitions were signed by a majority in assessed value of the owners of real property within said territory; and

WHEREAS, after ascertaining that said Petitions were signed by a majority in assessed value of the owners of real property within said territory, the City Council of the City of Conway, Arkansas has the authority and duty to create and establish such a municipal improvement district; and

WHEREAS, there has also been filed with the City Clerk, the proposed District's preliminary plan of improvement and preliminary information for the proposed assessment of benefits for each parcel of property;

WHEREAS, one of the persons petitioned to be appointed as a Commissioner of the District has recently died and the two remaining persons petitioned to be appointed as Commissioners of the District have recommended that John W. McCracken be appointed as the third Commissioner.

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Conway, Arkansas:

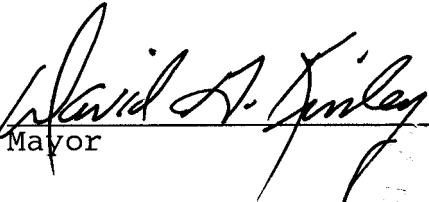
Section 1. There is hereby established a municipal improvement district embracing the property in the City of Conway, State of Arkansas described in the attached Exhibit "A" for the purposes of : (1) purchasing, accepting as a gift, constructing or maintaining facilities for waterworks, water distribution, recreation, drainage, gas pipelines, sanitary sewers, streets, roads and highways (including curbs and gutters) and sidewalks together with facilities related to any of the foregoing or for more than one (1) of such purposes and such purposes shall include the acquisition of rights of way by purchase or the exercise of the power of eminent domain and to maintain such facilities lying within the boundaries of the district or beyond the boundaries of the District if the District would be benefitted thereby; and (2) for all purposes authorized by Arkansas Code Annotated **§14-88-202** and any and all other statutes or acts which shall be deemed necessary in order to purchase, construct, accept as a gift, operate and maintain any and all improvements authorized herein, all as set forth in the Petitions described above. Said purposes are to be accomplished in the manner and of the materials that the


Commissioners of the District shall deem to be in the best interest of the District and the cost thereof is to be assessed upon the real property described in Exhibit "A" according to the benefits received. Such assessment of benefits shall be performed following the creation of the District.

Said district shall be known as the "Municipal Improvement District No. 7 of Conway, Arkansas" (the "District"); and Hal Crafton, Jim Foster and John W. McCracken who are owners of real property in said District are hereby named Commissioners and shall compose the Board of Improvement of the District.

Section 2. It is hereby determined by the City Council that there is an immediate need for the improvements contemplated to be constructed by the District in order to provide for the public peace, health and safety, and therefore an emergency is declared to exist and this Ordinance shall take effect and be in force from and after its passage.

PASSED: October 22, 1991

APPROVED:  
  
\_\_\_\_\_  
Mayor

ATTEST:  
  
\_\_\_\_\_  
City Clerk

C E R T I F I C A T E

STATE OF ARKANSAS            )  
COUNTY OF FAULKNER        )  
CITY OF CONWAY                )

I, Martha Hartwick, the duly elected, qualified, and acting Clerk-Treasurer of the City of Conway, Arkansas, do hereby certify that the above and foregoing is a true and correct copy of a certain Ordinance duly passed and adopted by the City Council of the City of Conway, Arkansas, at a meeting of that body held on the 22nd day of October, 1991, same is duly recorded in the minutes of meeting of said Council.

WITNESS, my hand and the seal of the City of Conway, Arkansas this 22nd day of October, 1991.

  
City Clerk-Treasurer

Seal

EXHIBIT A

Part of Section 34, Township 6 North, Range 14 West, and Part of Sections 3 and 4, Township 5 North, Range 14 West, more particularly described as beginning at the Northwest corner of the NE 1/4 Section 4, Township 5 North, Range 14 West, run thence East 660 feet to the point of beginning; thence run South 1590 feet; thence run East 210 feet; thence run South 1050 feet, to the South line of the NE 1/4; thence run East 450 feet to the Southeast corner of the SW 1/4 NE 1/4; which is also the Northwest corner of the NE 1/4 SE 1/4 Section 4, thence run East 150 feet to the Northwest corner of Lot 28 Westminister Subdivision; thence run South along the West line of Lot 28 to the Southwest corner thereof; thence run East to the Northwest corner of Lot 31, Westminister Subdivision; thence South along the West line of Lot 31 to the Southwest corner thereof, which is also the North line of a cul-de-sac at the Western end of Hyde Park Lane; thence Southwestwardly around the cul-de-sac to the North line of Lot 34, Westminister Subdivision, thence Southwardly to the West line of Lot 34; thence South to the Southwest corner of Lot 34; thence South to the Northeast corner of the S 1/2 NW 1/4 SE 1/4; thence West 1320 feet to the Northwest corner of the S 1/2 NW 1/4 SE 1/4, Section 4; thence South to the Southwest corner of the S 1/2 NW 1/4 SE 1/4, Section 4; thence East to the Northwest corner of the SE 1/4 SE 1/4, Section 4; thence run South 0 degrees 03 minutes East 411.4 feet; thence North 63 degrees 51 minutes East 274.76 feet; thence North 56 degrees 48 minutes East 58.0 feet; thence North 0 degrees 03 minutes West 260.0 feet to the North line of the SE 1/4 SE 1/4; thence East along the North line of the SE 1/4 SE 1/4 to the Northeast corner thereof, which is also the Southwest corner of the NW 1/4 SW 1/4 Section 3, Township 5 North, Range 14 West; thence run North along the West line of the NW 1/4 SW 1/4 to the Northwest corner thereof; thence continue North along the West line of the SW 1/4 NW 1/4 to the Northwest corner thereof; thence run East 660 feet; thence South 1320 feet to the South line of the SW 1/4 NW 1/4; thence South to the Northwest corner of Chimney Rock Estates; thence South 0 degrees 16 minutes East 487.3 feet; thence run North 75 degrees East 170.7 feet; thence run North 70 degrees 48 minutes East 174.6 feet; thence run North 74 degrees 36 minutes East 170.8 feet; thence run North 71 degrees 30 minutes East 174.4 feet to the East line of the NW 1/4 SW 1/4, Section 3, Township 5 North, Range 14 West; thence North along the East line of the NW 1/4 SW 1/4 and the SW 1/4 NW 1/4 to the North right of way line of Tyler Street; thence Northeastwardly along the North right of way of Tyler Street to a point on the East line of the NE 1/4, Section 3, Township 5 North, Range 14 West; thence run North along the East line of the NE 1/4, Section 3, Township 5 North, Range 14 West to the Northeast corner thereof; thence continuing North to a point on the South right of way line of the railroad; thence Northwesterly along the South right

of way of the railroad to a point 300.18 feet West and 187.76 feet South of the Northeast corner of the W 3/4 S 1/2, Section 34, Township 6, Range 14 West; thence South 82 degrees 16 minutes 30 seconds West 619.65 feet; thence South 80 degrees 47 minutes 10 seconds West 426.07 feet; thence South 77 degrees 07 minutes 11 seconds West 699.24 feet; thence South 13 degrees 28 minutes 46 seconds East 255.22 feet; thence South 80 degrees 29 minutes 30 seconds West 189.59 feet; thence South 1 degree 27 minutes 44 seconds East 276.87 feet; thence run South 77 degrees 22 minutes West 490 feet; thence North 2 degrees 04 minutes West 360.95 feet; thence South 87 degrees 07 minutes 26 seconds West 50.0 feet; thence South 2 degrees 04 minutes East 160 feet; thence South 87 degrees 07 minutes 26 seconds West 526.39 feet; thence South 1 degree 04 minutes 18 seconds East 277.33 feet; thence South 88 degrees 14 minutes 16 seconds East to the East line of the W 1/2 SW 1/4 of Section 34; thence South along the East line of the W 1/2 SW 1/4 to the Southeast corner thereof; thence West along the South line of Section 34 and 33, which is also the North line of Sections 3 and 4, to the point of beginning.

FOR RECORD  
FILED

COUNTY CLERK  
NOV 1 1991

**CERTIFICATE OF RECORD**

**STATE OF ARKANSAS } SS  
COUNTY OF FAULKNER }**

I, **SHARON RIMMER**, Circuit Clerk and Ex-Officio Recorder with and for the county and state aforesaid, do hereby certify that the annexed and foregoing instrument of writing was filed for record in my office on the 1st day of Nov., 19 91, at 10:30 o'clock A.M. and the same is now duly recorded, with acknowledgement and certificate thereon in, Deed Record Book 493, Page 691.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said Court this 4th day of Nov., 19 91.

SHARON RIMMER  
by *Sharon Rimmer* C.C.